

BIGFORK LAND USE ADVISORY COMMITTEE
Approved Minutes for August 31, 2017, as amended
4:00 PM Bethany Lutheran Church – Downstairs Meeting Room

Chairwoman Susan Johnson called the meeting to order at 4:00 p.m.

Present: Committee members: Joyce Mitchell, Susan Johnson, Shelley Gonzales, Jerry Sorensen, Lou McGuire, Tim Kittle and Chany Ockert. Public: 7 members from the public. Flathead County Planning and Zoning: Mark Mussman

The agenda was approved (m/s, J. Mitchell/L. McGuire), unanimous.

Minutes of the May 25, 2017 meeting were approved (m/s, L. McGuire/J. Mitchell), unanimous.

Administrator's Report and Announcements:

Sign-in sheet passed around. Planning and Zoning website announced for all documents regarding minutes, agendas, and applications. Website: flathead.mt.gov/planning-zoning/documents.

Public Comment:

Lance Morgan, Bigfork resident, spoke about the Myers' ACUP request for short-term rentals of cabins on their property located on McCaffrey Road, Bigfork. Morgan and neighbors the DeMars had met with P&Zs Mark Mussman to discuss their findings. They Myers have already listed the cabins on Airbnb for short-term rental and for family reunions and other events that could be held in their barn. Mussman was not aware of the Airbnb listing. Morgan stated that the Myers are deceitful and not good neighbors. Mussman took the opportunity to speak of the ACUP process. Applicants for the ACUP for short-term rentals are required to have adequate sewer capacity, proper licensing, adequate parking, and a 24 hour/day contact number. Mussman indicated that there will be a prohibition for large, loud parties. He said if BLUAC wants, P&Z will notify BLUAC of all ACUP violations so Bigfork can weigh in on violations that will be reviewed by the Board of Adjustment.

Application:

FCU-17-06 Janet Rosenberry - A zone change request by Janet V. Rosenberry in the Echo Lake Zoning District. The proposal would change the zoning on a parcel containing approximately 10 acres from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural). The subject property is located at 685 and 691 McCaffrey Road in Bigfork, MT and can legally be described as Parcel A of Certificate of Survey No. 8817, the Southeast Quarter of the Southeast Quarter of the Northwest Quarter, and in Government Lot 5, of Section 7, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

Staff Report:

Mark Mussman, Planning and Zoning Department, presented the application. He stated that the subject property is adjacent to AG-40 zoning, across the street is SAG-10 zoning and nearby is SAG-5 zoning. There were no questions.

Applicant Report:

Joe Matulevich of APEC Engineering represented the applicant Janet Rosenberry. The applicant seeks

the SAG-5 zone change to subdivide their 10-acre property into two five-acre parcels for estate planning purposes.

Q. Gonzales: Can you show us where the existing homes are on the 10-acre parcel? The applicant and technical representative brought maps and photos to the committee. Two residences exist on the most eastern portion of the property. It was discussed as to whether the existing residences on the property were already non-conforming and if the property were divided and a third residence built, no matter how the property was divided, it would still be a non-conforming property. The applicant indicated the property's farmhouse was built in the 1940's. Her father acquired the 10-acre parcel in 1975 or 1976 and the second residence was built in 1977. The residences existed before zoning was established in the area, and therefore, the property was zoned into non-compliance and are grandfathered.

Q. Sorensen: What would prevent further subdivision? A. Mussman: To do so they would have to go to R-2.5 zoning and that request would be considered spot zoning.

The technical representative further stated that the applicant knows that there could be no further division of the property and that the property was zoned into non-compliance at the time of the zoning overlay.

Public Agencies:

None

Committee Discussion:

It was moved by Gonzales and seconded by Sorensen to adopt the Findings of Facts. There was no discussion and the Findings of Facts were adopted unanimously.

There was no further discussion by the committee on the application.

It was moved by Sorensen and seconded by Mitchell to recommend a favorable endorsement of the application to the Planning Board. The motion was approved unanimously.

Committee Reports:

None

Old Business:

Open secretary position. Chairwoman Johnson will send out a secretary job description to the committee members to help search for a recording secretary. It was suggested that we contact the Bigfork High School's Ambassador Program for a possible student to be appointed secretary.

New Business:

None

Chairwoman Johnson adjourned the meeting at 4:55 p. m.

Respectfully submitted,
Shelley Gonzales, Acting Secretary

